Certification of Publication: Planning Board Administrator certifies publication of this agenda in the Daily Record, the official newspaper of the City of Omaha on Monday, December 30, 2013.

MEMBERS PRESENT: R. J. Neary, Chair
Anna Nubel, Vice Chair
John Hoich
Van C. Deeb
Arnold Nesbitt
Greg Rosenbaum
Brinker Harding

MEMBERS NOT PRESENT: None

STAFF PRESENT: James Thele, Acting Planning Director
Dave Fanslau, Acting Assistant Director, Current Planning
Cheri Rockwell, Acting Manager, Current Planning
Chad Weaver, Manager, Long Range Planning
Alan Thelen, Law Department
Rikki Flott, Recording Secretary

R. J. Neary, Chair, called the meeting to order, introduced the Planning Board members as well as the Planning Department staff, and explained the Planning Board’s public hearing procedures.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

The requests listed below were voted on concurrently in accordance with the Planning Department’s recommendation report.

No one appeared in opposition.

(HOLD OVER CASES)

Subdivisions

| 4. | C10-11-006 (D) C12-11-016 Metropolitan Community College | REQUEST: Preliminary and Final Plat approval of MCC ELKHORN CAMPUS, a subdivision inside the city limits, with rezoning from AG to R6 (laid over from 02/06/13) |
|    |                        | LOCATION: 829 North 204" Street |

At the Planning Board meeting held on January 8, 2014, Ms. Nubel moved to layover at the request of the applicant. Mr. Nesbitt seconded the motion which carried 6-0, with Mr. Neary abstaining.
Conditional Use Permits

5. C7-11-005 (D) Metropolitan Community College

REQUEST: Approval of a Conditional Use Permit to allow College and university facilities in a R6 District, with a waiver of Section 55-226 Height to 70' (laid over from 02/06/13)

LOCATION: 829 North 204th Street

At the Planning Board meeting held on January 8, 2014, Ms. Nubel moved to layover at the request of the applicant. Mr. Nesbitt seconded the motion which carried 6-0, with Mr. Neary abstaining.

(REGULAR AGENDA)

Subdivisions

9. C10-14-003 (D) C12-14-004 Celebrity Homes

REQUEST: Preliminary Plat approval of WOOD VALLEY REPLAT 4, a subdivision outside the city limits, with rezoning from R6 to R4

LOCATION: Northeast of 144th and Ida Streets

At the Planning Board meeting held on January 8, 2014, Ms. Nubel moved for approval of the rezoning from R6 to R4 and approval of the Preliminary Plat subject to the applicant addressing the following prior to or with the application for Final Plat approval: 1) Coordinate with the Douglas County Engineer’s office to remove the existing driveway return from the east side of 144th Street (near the northwest corner of the subject site), 2) Coordinate with the Parks Department on the construction of a trail along the 144th Street frontage and provide language covering these improvements in the final subdivision agreement, 3) Provide a note on the plat that direct vehicular access will not be allowed to 144th Street, Ida Street, 142nd Street or Military Road from any of the lots, 4) Provide an updated tree canopy analysis, and provide for mitigation (if necessary), 5) Provide a 115 foot noise attenuation easement from the centerline of Ida Street, 6) Provide storm sewer design computations and final plans to Douglas County for review that relate to the handling of roadway and site drainage along the development boundary adjacent to 144th Street and Ida Street, 7) Provide sidewalks along all public streets, as well as connecting the subdivision to the trail to be built along 144th Street through Outlot “C.”, 8) Account for the maintenance of all sidewalks, including double frontage lots, in the final subdivision agreement, 9) Compliance with all applicable stormwater management ordinances and policies, 10) Include provisions for use, ownership and maintenance of the outlots in the final subdivision agreement, 11) Provide a letter of approval for established delivery points from the Omaha Post Office, and 12) An acceptable debt ratio of 4% or less.

Mr. Deeb seconded the motion which carried 7-0.

10. C12-14-005 (D) Mactier Farms

REQUEST: Preliminary and Final Plat approval of MACTIER PLACE, a minor plat outside the city limits, with a waiver of Section 53-9(9) for Sidewalks

LOCATION: 3811 North Post Road

At the Planning Board meeting held on January 8, 2014, Ms. Nubel moved for approval of the waiver of Section 53-9(9) Sidewalks and approval of the Preliminary Plat subject to: 1) A note being placed on the final plat that Lot 1 will be required to comply with all provisions of the North Hills Environmental Overlay District. Ms. Nubel also moved for approval of the Final Plat as amended by the condition of Preliminary Plat approval and subject to the submittal of an acceptable final subdivision agreement, if necessary, prior to forwarding this request to the City Council. Mr. Deeb seconded the motion which carried 7-0.
**Rezonings**

<table>
<thead>
<tr>
<th>No.</th>
<th>Request Number</th>
<th>REQUEST</th>
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<tbody>
<tr>
<td>13.</td>
<td>C10-14-008 (D)</td>
<td>Rezoning from GC to NBD (property is also located within an ACI-1(PL) Overlay District)</td>
<td>North of Farnam Street from 39th to 40th Street</td>
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<tr>
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<td>JMJ Partners, LLC and 144 South 39th St, LLC</td>
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<td>14.</td>
<td>C10-14-009 (D)</td>
<td>Rezoning from R7 and GC to CC (portions of property is also located within an ACI-2(65) Overlay District)</td>
<td>Northwest of 80th Street and West Dodge Road</td>
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<tr>
<td></td>
<td>Vistas, LLC</td>
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<tr>
<td>15.</td>
<td>C10-13-096a (D)</td>
<td>Rezoning from R7 and GI to R7 and approval of a PK Parking Overlay District</td>
<td>Northwest of 28th and &quot;R&quot; Streets</td>
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<tr>
<td></td>
<td>C9-13-096</td>
<td>Stephen Center, Inc.</td>
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At the Planning Board meeting held on January 8, 2014, Ms. Nubel moved for approval. Mr. Deeb seconded the motion which carried 7-0.

### Conditional Use Permits

<table>
<thead>
<tr>
<th>No.</th>
<th>Request Number</th>
<th>REQUEST</th>
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<tbody>
<tr>
<td>18.</td>
<td>C7-02-054 (D)</td>
<td>Approval of a Major Amendment to a Conditional Use Permit to allow Cultural services in a R5 District</td>
<td>2001 South 6th Street</td>
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<td>Omaha Botanical Center, Inc.</td>
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At the Planning Board meeting held on January 8, 2014, Ms. Nubel moved for approval of the Major Amendment to the Conditional Use Permit subject to: 1) The installation of a sign informing that the parking lot is for employee/business use only, 2) Providing an updated landscape plan indicating appropriate screening, in accordance with Section 55-740(g), along the south property line of the new parking area, 3) Compliance with all of the original conditions of approval, 4) Compliance with the site plan, 5) Compliance with the operating statement, 6) Compliance with all applicable stormwater management regulations, 7) Obtaining a Certificate of Occupancy from the Permits and Inspections Division, 8) Obtaining all necessary permits, and 9) Compliance with all other applicable site development regulations. Mr. Deeb seconded the motion which carried 7-0.
**Administrative Meeting**

### Subdivisions

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<tr>
<th></th>
<th>Request</th>
<th>Request Details</th>
<th>Location</th>
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<tbody>
<tr>
<td>1</td>
<td>C12-13-209</td>
<td>Final Plat approval of COUNTRY CLUB ESTATES, a minor plat inside the city limits</td>
<td>Southwest of 66th and State Streets</td>
</tr>
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<td>AOBJ, LLC</td>
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<td>2</td>
<td>C12-13-178</td>
<td>Final Plat approval of GROVE RIDGE (formerly known as 192ND AND LEAVENWORTH), a subdivision outside the city limits, with rezoning from AG to R6</td>
<td>Northeast of 192nd and Leavenworth Streets</td>
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<td>C12-13-179</td>
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<td>DP Metro Capital</td>
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<td>3</td>
<td>C10-08-184</td>
<td>Final Plat approval of WOOD VALLEY (Lot 296-351, OL &quot;H-I&quot;), a subdivision outside the city limits, with rezoning from AG to DR and R4</td>
<td>Northwest of 138th and Ida Streets</td>
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<td>C12-08-185</td>
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<td>CR Investments, Inc.</td>
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At the Planning Board meeting held on January 8, 2014, Dave Fanslau, Acting Assistant Planning Director stated that the Department recommended approval of the request subject to the conditions stated on the recommendation report. Mr. Nesbitt moved for approval of the Final Plat subject to the following being addressed prior to forwarding the final plat to the City Council for final action: 1) Providing the letter of approval from the Douglas County Health Department and the Nebraska Department of Environmental Quality (NDEQ) for the future septic system, and 2) Submittal of an acceptable final subdivision agreement. Mr. Deeb seconded the motion which carried 7-0.

At the Planning Board meeting held on January 8, 2014, Dave Fanslau, Acting Assistant Planning Director stated that the Department recommended approval of the request subject to the conditions stated on the recommendation report. Mr. Rosenbaum moved for approval of the Final Plat, subject to the following conditions being addressed prior to forwarding the request to the City Council for final action: 1) An overall debt ratio of less than 4%, and 2) Submittal of an acceptable final subdivision agreement. Mr. Rosenbaum also moved for approval of the rezoning from AG to DR and R6, and approval of the PUD-Planned Unit Development Overlay District. Mr. Deeb seconded the motion which carried 7-0.

At the Planning Board meeting held on January 8, 2014, Dave Fanslau, Acting Assistant Planning Director stated that the Department recommended approval of the request subject to the conditions stated on the recommendation report. Mr. Hoich moved for approval of the rezoning from AG to DR and R4, and approval of the Final Plat subject to submittal of a final acceptable amended subdivision agreement that includes an updated tree mitigation plan if necessary, prior forwarding the request to the City Council for final action. Ms. Nubel seconded the motion which carried 7-0.
(REGULAR AGENDA)

Master Plan Referral

<table>
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<tr>
<th>Case</th>
<th>REQUEST:</th>
<th>LOCATION:</th>
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<tr>
<td>6.</td>
<td>Approval of the 39TH AND FARNAM TIF REDEVELOPMENT PROJECT PLAN</td>
<td>Northwest of 39th and Farnam Streets</td>
</tr>
<tr>
<td>7.</td>
<td>Approval of an Amendment to the Future Land Use Element of the City's Master Plan</td>
<td>Omaha and 3-mile extraterritorial jurisdiction</td>
</tr>
</tbody>
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At the Planning Board meeting held on January 8, 2014, Bridget Hadley, City Planner, presented the request. Ms. Hadley stated that the 3 existing structures included a former residence, a warehouse and a garage and that the redevelopment of these structures would include 5 commercial executive suites, extending the warehouse building toward the street front on Farnam Street and an addition to the east of the building that would accommodate a restaurant. She added that greenspace would be created at the corner of 39th & Farnam Streets and would be privately maintained by the owners. Ms. Hadley explained that this project involved right-of-way dedication to accommodate diagonal parking along Farnam Street and rezoning to alleviate parking requirements. She added that the development would create approximately 30 jobs with the new businesses in the development.

In response to Mr. Neary, Ms. Hadley stated that the amount of TIF funding would be up to $397,373.00 and that $15,000.00 of that TIF amount was requested to be allocated back to the City to be applied towards a Public Improvement Fund which would be used for a 2-way street conversion project due to begin in Spring of 2014. She also explained that the sidewalk within the greenspace would not line up directly with the remaining buildings to allow for the additional diagonal parking. Ms. Hadley further explained that the $15,000 allocation of funds was derived using TIF guidelines and that applicant fees were also derived using TIF guidelines.

Dave Fanslau, Acting Assistant Planning Director, stated that the Department recommended approval.

Ms. Nubel moved for approval. Mr. Deeb seconded the motion which carried 7-0.

Cases 7, 8 & 12 were heard concurrently but voted on separately:

At the Planning Board meeting held on January 8, 2014, Jed Moulton, City Urban Design Manager, presented the request. Mr. Moulton explained that the Neighborhood Conservation Enhancement (NCE) was a planning tool to adjust zoning for compatible development while maintaining the historic context. He stated that this would be an amendment to the Master Plan to outline the intent for the district as it evolves over time. He explained that East Omaha had several neighborhood commercial centers which were remnants of the former streetcar era. He then explained that this was the third NCE created in the City, others included Dundee and South 10th Street, to implement the transportation, environment and housing development aspects of the Master Plan. Mr. Moulton stated that it also proposed a modification to the land use and the Future Land Use Map, and would address the necessary housing density around the neighborhood commercial centers while maintaining pedestrian accessibility and economic viability of these centers. He added that another element was that the plan affected the primary zoning for the district; it would change the base zoning with existing uses in place and would modify the zoning to fit better with the context. Mr. Moulton displayed a map of the NCE District and described that with the implementation of the plan, a portion of the area would receive immediate impact with a zoning change to the properties, and that the expanded areas incorporated into the plan would be rezoned parcel by parcel. He added that those property owners could then use the current zoning or opt in to the new plan and that the benefit of the new plan was the redevelopment process could occur quickly with less waivers required from the Department.
Connie Spellman, Omaha By Design, 705 N. 57th Ave, appeared before the Board. Ms. Spellman stated that Omaha By Design partnered with the City on this project approximately 2 years ago and added that she also assisted in creating the Urban Design Master Plan, which could also be used in this area and other commercial areas in need of revitalization and redevelopment. She explained that Omaha By Design provided partial funding to the consultant team that helped with this plan and coordinated activities with the Vinton Street Corridor Business Associations. She added that members of the business association and the property owners would now have some control over the preservation of their area and that a NCE guide was now available for other neighborhoods wanting to work with the Planning Department to create an NCE in their area.

Larry Ferguson, 1701 & 1703 Vinton Street, appeared before the Board. Mr. Ferguson stated that he was a representative of the Business District and Merchant Association and had worked with the Planning Department and Omaha By Design to create a consensus among the building owners and merchants in this area. He stated that the 18 buildings in this 2 block Vinton Street area were valuable to the history of Omaha and United States with the unique winding street that no other city in America had. He added that all property Owners and merchants in this area were in favor of the plan but were concerned that the area remained as a commercial and residential area and that residential would be allowed on the first level of the commercial buildings.

Mr. Neary questioned why this part of Vinton Street was designed at an angle. Mr. Moulton explained that the interstate area used to be a ravine and that this was possibly an original pathway along the crest of the ravine and eventually became a street.

Dave Fanslau, Acting Assistant Planning Director, stated that were more commercial areas in the City that used to be along the streetcar line that in the future would be considered for the same type of NCE plan. He stated that the Department recommended approval of the Amendment to the Future Land Use Element of the City's Master Plan, approval of Vinton Street NCE District Plan and approval of the NCE-C Neighborhood Conservation and Enhancement District.

In response to Ms. Nubel, Mr. Moulton stated that if the living quarters and businesses were currently a legal use that the use would still be allowed. He explained that a residential and commercial mix would be allowed within this 2-block area but a provision existed that prohibits residential on the first level area that fronts Vinton Street and that residential located in the rear of the first level or on the second level would be allowed.

Mr. Rosenbaum moved for approval. Mr. Deeb seconded the motion which carried 7-0.

8. C3-14-012 Planning Department on behalf of the City of Omaha

| REQUEST: | Approval of the Vinton Street NCE District Plan |
| LOCATION: | Area generally bounded by Castelar Street on the north, 13th and 15th Street on the east, Deer Park Boulevard on the south and 24th Street on the west |

At the Planning Board meeting held on January 8, 2014, Jed Moulton, City Urban Design Manager, presented the request. Mr. Moulton explained that the Neighborhood Conservation Enhancement (NCE) was a planning tool to adjust zoning for compatible development while maintaining the historic context. He stated that this would be an amendment to the Master Plan to outline the intent for the district as it evolves over time. He explained that east Omaha had several neighborhood commercial centers which were remnants of the former streetcar era. He then explained that this was the third NCE created in the City, others included Dundee and South 10th Street, to implement the transportation, environment and housing development aspects of the Master Plan. Mr. Moulton stated that it also proposed a modification to the land use and the Future Land Use Map, and would address the necessary housing density around the neighborhood commercial centers while maintaining pedestrian accessibility and economic viability of
these centers. He added that another element was that the plan affected the primary zoning for the
district; it would change the base zoning with existing uses in place and would modify the zoning to fit
better with the context. Mr. Moulton displayed a map of the NCE District and described that with the
implementation of the plan, a portion of the area would receive immediate impact with a zoning change to
the properties, and that the expanded areas incorporated into the plan would be rezoned parcel by parcel.
He added that those property owners could then use the current zoning or opt in to the new plan and that
the benefit of the new plan was the redevelopment process could occur quickly with less waivers required
from the Department.

Connie Spellman, Omaha By Design, 705 N. 57th Ave, appeared before the Board. Ms. Spellman stated
that Omaha By Design partnered with the City on this project approximately 2 years ago and added that
she also assisted in creating the Urban Design Master Plan, which could also be used in this area and
other commercial areas in need of revitalization and redevelopment. She explained that Omaha By
Design provided partial funding to the consultant team that helped with this plan and coordinated activities
with the Vinton Street Corridor Business Associations. She added that members of the business
association and the property owners would now have some control over the preservation of their area and
that a NCE guide was now available for other neighborhoods wanting to work with the Planning
Department to create an NCE in their area.

Larry Ferguson, 1701 & 1703 Vinton Street, appeared before the Board. Mr. Ferguson stated that he was
a representative of the Business District and Merchant Association and had worked with the Planning
Department and Omaha By Design to create a consensus among the building owners and merchants in
this area. He stated that the 18 buildings in this 2 block Vinton Street area were valuable to the history of
Omaha and United States with the unique winding street that no other city in America had. He added that
all property Owners and merchants in this area were in favor of the plan but were concerned that the area
remained as a commercial and residential area and that residential would be allowed on the first level of
the commercial buildings.

Mr. Neary questioned why this part of Vinton Street was designed at an angle. Mr. Moulton explained
that the interstate area used to be a ravine and that this was possibly an original pathway along the crest
of the ravine and eventually became a street.

Dave Fanslau, Acting Assistant Planning Director, stated that there were more commercial areas in the City
that used to be along the streetcar line that in the future would be considered for the same type of NCE
plan. He stated that the Department recommended approval of the Amendment to the Future Land Use
Element of the City's Master Plan, approval of Vinton Street NCE District Plan and approval of the NCE-C
Neighborhood Conservation and Enhancement District.

In response to Ms. Nubel, Mr. Moulton stated that if the living quarters and businesses were currently a
legal use that the use would still be allowed. He explained that a residential and commercial mix would
be allowed within this 2-block area but a provision existed that prohibits residential on the first level area
that fronts Vinton Street and that residential located in the rear of the first level or on the second level
would be allowed.

Mr. Rosenbaum moved for approval. Mr. Harding seconded the motion which carried 7-0.

**Rezonings**

<table>
<thead>
<tr>
<th>12.</th>
<th>C10-14-007 Planning Department on behalf of the City of Omaha</th>
<th>REQUEST: Approval of an NCE-C Neighborhood Conservation and Enhancement District</th>
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<tbody>
<tr>
<td></td>
<td>C10-14-007 Planning Department on behalf of the City of Omaha</td>
<td>LOCATION: Area generally bounded by 17th Street on the east, Elm Street on the south, 19th Street on the west and Bancroft Street on the north</td>
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At the Planning Board meeting held on January 8, 2014, Jed Moulton, City Urban Design Manager, presented the request. Mr. Moulton explained that the Neighborhood Conservation Enhancement (NCE) was a planning tool to adjust zoning for compatible development while maintaining the historic context. He stated that this would be an amendment to the Master Plan to outline the intent for the district as it evolves over time. He explained that east Omaha had several neighborhood commercial centers which were remnants of the former streetcar era. He then explained that this was the third NCE created in the City, others included Dundee and South 10th Street, to implement the transportation, environment and housing development aspects of the Master Plan. Mr. Moulton stated that it also proposed a modification to the land use and the Future Land Use Map, and would address the necessary housing density around the neighborhood commercial centers while maintaining pedestrian accessibility and economic viability of these centers. He added that another element was that the plan affected the primary zoning for the district; it would change the base zoning with existing uses in place and would modify the zoning to fit better with the context. Mr. Moulton displayed a map of the NCE District and described that with the implementation of the plan, a portion of the area would receive immediate impact with a zoning change to the properties, and that the expanded areas incorporated into the plan would be rezoned parcel by parcel. He added that those property owners could then use the current zoning or opt in to the new plan and that the benefit of the new plan was the redevelopment process could occur quickly with less waivers required from the Department.

Connie Spellman, Omaha By Design, 705 N. 57th Ave, appeared before the Board. Ms. Spellman stated that Omaha By Design partnered with the City on this project approximately 2 years ago and added that she also assisted in creating the Urban Design Master Plan, which could also be used in this area and other commercial areas in need of revitalization and redevelopment. She explained that Omaha By Design provided partial funding to the consultant team that helped with this plan and coordinated activities with the Vinton Street Corridor Business Associations. She added that members of the business association and the property owners would now have some control over the preservation of their area and that a NCE guide was now available for other neighborhoods wanting to work with the Planning Department to create an NCE in their area.

Larry Ferguson, 1701 & 1703 Vinton Street, appeared before the Board. Mr. Ferguson stated that he was a representative of the Business District and Merchant Association and had worked with the Planning Department and Omaha By Design to create a consensus among the building owners and merchants in this area. He stated that the 18 buildings in this 2 block Vinton Street area were valuable to the history of Omaha and United States with the unique winding street that no other city in America had. He added that all property Owners and merchants in this area were in favor of the plan but were concerned that the area remained as a commercial and residential area and that residential would be allowed on the first level of the commercial buildings.

Mr. Neary questioned why this part of Vinton Street was designed at an angle. Mr. Moulton explained that the interstate area used to be a ravine and that this was possibly an original pathway along the crest of the ravine and eventually became a street.

Dave Fanslau, Acting Assistant Planning Director, stated that there were more commercial areas in the City that used to be along the streetcar line that in the future would be considered for the same type of NCE plan. He stated that the Department recommended approval of the Amendment to the Future Land Use Element of the City’s Master Plan, approval of Vinton Street NCE District Plan and approval of the NCE-C Neighborhood Conservation and Enhancement District.

In response to Ms. Nubel, Mr. Moulton stated that if the living quarters and businesses were currently a legal use that the use would still be allowed. He explained that a residential and commercial mix would be allowed within this 2-block area but a provision existed that prohibits residential on the first level area that fronts Vinton Street and that residential located in the rear of the first level or on the second level would be allowed.

Mr. Rosenbaum moved for approval. Mr. Harding seconded the motion which carried 7-0.
Subdivisions

| REQUEST: Revised Preliminary Plat approval of CANDLEWOOD HILLS, a subdivision inside the city limits, with a waiver of Section 53-8(4)(d) for lot frontage, with rezoning from R6 to DR, R7 and MU (portions of which property is also located within an ACI-4(PL) Overlay District), and with Approval of a Major Amendment to the Mixed Use District Development Agreement for Candlewood Hills |
| LOCATION: Northwest of 124th Plaza and West Dodge Road |

At the Planning Board meeting held on January 8, 2014, Larry Jobeun, 11440 W Center Road, appeared before the Board on behalf of the applicant. Mr. Jobeun displayed a map of the site and compared the previously submitted plan from 2006 to the current request. He stated that the site was located on vacant land west of the existing Costco location and that the Plat presented in 2006 was not approved because a jurisdictional waterway that was located and established by Corp of Engineers hindered the ability to develop the land. He then discussed the previous request and explained that the jurisdictional waterway, which cannot be developed, was now included in the new proposed plan. Mr. Jobeun stated that the proposed development would include a 3-story mixed-use office building, a 10,000 square foot bank use and a 5,000 square foot retail building and that the development plans had not significantly changed except for the jurisdictional waterway located in Outlot A. He mentioned that the Costco covenant amendments were previously delayed because of zoning restrictions not coinciding with the private covenants but were now completed. He also discussed the private access road between Burt Street and the West Dodge frontage road that would have public access and explained that Costco did not want the road located on their property for liability reasons but that Costco has agreed to deed a small portion of their property to allow for the proposed access road. Mr. Jobeun stated that a neighborhood meeting was held the previous night and items of concern discussed were the access road, a permanent berm to support flooding if necessary and added that the temporary detention sediment basin would eventually be replaced with a permanent outlet structure installed. He mentioned that another concern was that Outlot A would continuously be maintained and that the covenants currently in place would provide for a collaboration of surrounding lot owners to maintain this lot and added that an association would be formed upon closing of a deal between the developer and the applicant to include the maintenance of Outlot A. Mr. Jobeun also discussed that because of natural changes in the land the wetland area would be reevaluated in May of 2014 and that the proposed plan may need to be reconfigured. He added that the tree mitigation plan would be updated and mentioned that neighbors were concerned a trail from Burt Street to the western boundary of the property would infringe upon private property.

In response to questioning by the Board, Mr. Jobeun stated that a vehicular access across the wetland area was not practical but that the developer of the multi-family use on the property was planning a pedestrian bridge. He then discussed the new proposed access road and explained that traffic counts were done along Burt Street and that Burt Street would not be greatly impacted with a new access road providing access to a frontage road. He also explained that the covenants were amended to include the access drive as a common area, with easement rights, to get from Burt Street to the frontage road. Mr. Jobeun restated that Costco was not willing to provide a private drive on their property from Burt Street to the frontage road but did deed a portion of their land for the proposed access drive.

Mike Parizek, Candlewood Homeowners Association, 12322 Rose Lane, appeared before the Board in opposition. Mr. Parizek stated that he was not opposed to the development but that he had concerns with the connectivity at Burt Street. His concern was that since the street around their residential lake was used as a recreational path that there would be an increased safety risk if traffic diverted to their
residential lake area to reach connecting streets. In response to Ms. Nubel, Mr. Parizek stated that there were sidewalks in this residential area.

Clint Schutt, 12376 Rose Lane, appeared before the Board in opposition. Mr. Schutt stated that he had concern that many neighbors had no knowledge of the meeting with the developer or the proposed connecting street. He added that a connecting road would increase traffic and that the safety of the children residing in the apartment complex would be at risk.

Frank Dickey, Max Properties, 5811 S. 93rd Street, appeared before the Board in opposition. Mr. Dickey stated that he had the apartment complex to the south and that he was not informed about the neighborhood meeting or the proposed connecting street. He added that traffic was already an issue within the apartment complex and that there was concern with the Costco delivery trucks damaging curbs and grass area in the residential area along Burt Street as they try to find their way back to the main street. He then stated that his main concern was increased traffic and the safety of the children within the apartment complex.

Mr. Jobeun stated that a 300 foot search was completed to mail notices to residents informing them of the neighborhood meeting with the developer and that approximately 70 people were in attendance. He added that the proposed access road was not connecting to the private drive going into the apartment complex. He added that the residents of the Candlewood area would also have the ability to use the proposed road to access the frontage road and would alleviate traffic.

Ryan Haas, Public Works Department, appeared before the Board. Mr. Haas stated that traffic volume increase with a new connectivity road depended on the street layout of the surrounding area and added that Burt Street was a low volume road and had the capacity to handle additional traffic. He also mentioned that the use of the proposed private access road would benefit the residential neighborhood by providing an alternative route to more than one main arterial road. In response to Mr. Deeb, Mr. Jobeun stated that because of the grade of the land that there would be a sidewalk on only the west side of the new road. In response to Ms. Nubel, Mr. Haas stated that egress traffic from the new office development could travel either east or west with traffic signals on either arterial streets. Mr. Dickey responded to questioning by the Board regarding the Costco delivery trucks exiting onto Burt Street and commented that the trucks either loop through the neighborhood or back up onto the residential street. Mr. Deeb commented that the private access road would alleviate some of the delivery truck issues and Mr. Jobeun added that proposed road would be 25 feet wide. Mr. Jobeun and the Board then discussed the design of the proposed road and that the main factors were the berm, topography and radius requirements and added that the developer would reevaluate and discuss the issue further with the Public Works Department. Mr. Haas explained that the truck turning radius issue could be discussed further in the design approval.

Dave Fanslau, Acting Assistant Planning Director, stated that the connectivity was supported in the Master Plan and also by the Planning and Public Work Departments and that the proposed private access road would be beneficial to the development and the existing residential neighborhood. He stated that the Department recommended approval of the rezoning, waiver of Section 53-8(4)(d), and revised preliminary plat subject to the conditions stated on the recommendation report.

Mr. Jobeun stated for the record that the developer would work with the Public Works Department regarding the radius and entrance on the access drive.

Mr. Nesbitt moved for approval of the rezoning from R6 to DR, R7 and MU, subject to submittal of an acceptable amended mixed use district development agreement and approval of the waiver of Section 53-8(4)(d) for lot frontage, subject to reciprocal access and circulation being provided to Lot 3. He also moved for approval of the Revised Preliminary Plat subject to the following being submitted with or prior to submittal of the Final Plat for Phase II: 1) An updated tree canopy mitigation plan, if necessary, 2) Inclusion of the entire wetland areas in the outlot, 3) Providing for all improvements identified in the final approved traffic study, 4) Providing an easement on the final plat for the trail corridor along the northern
boundary of the plat, 5) Access easements for the private rights-of-way shall be made to the benefit of the public, 6) Sidewalks being provided as required, 7) Including a note on the final plat that states that no access direct access will be allowed to Lot 4 and 5 from West Dodge Frontage Road, 8) Including a note on the final plat that states that, “Access to Lot 7 may be converted to right-in/right-out only in the future to address safety or operational issues.”, and 9) Compliance with all stormwater management policies and ordinances. Mr. Hoich seconded the motion which carried 6-1, with Mr. Deeb dissenting.

Conditional Use Permits

| 16. | C7-14-010 Tasha Clerc | REQUEST: | Approval of a Conditional Use Permit to allow Indoor sports and recreation in a CC District |
|     |                     | LOCATION: | 8910 Military Road |

At the Planning Board meeting held on January 8, 2014, Jacques Clerc, 8910 Military Road, appeared before the Board on behalf of the applicant. Mr. Clerc stated that they were forming a company called Inner 10 Weapons and Training and showed the Board a video explaining the proposed use for this site. He explained that this would be an indoor shooting range with 3 lanes and firearms training in 2 classrooms that would run simultaneously on weekdays and on the weekend. He offered to submit further manufacturer information regarding materials used and requirements and classifications with the government, military and law enforcement uses. Mr. Clerc added that the range would be open to the public and that it was not mandatory to have classroom training to shoot.

After questioning by the Board, Mr. Clerc explained that this would be a mobile range inside a 53 foot fully converted and armored semi-truck trailer with a permanent placement inside the 3,900 square foot building. He further explained that firearm sales and all accessories associated with firearms would also be inside the building, along with classrooms, office space, rest rooms and a lounge area for clients. Mr. Clerc noted that this would be the only handgun shooting range currently in Omaha but that it was not the first shooting range to exist in Omaha. He added that there would be certified NRA instructors on site and that the facility would be monitored by video surveillance 24 hours a day.

Ken Merkel, 2111 S. 118th Street, appeared before the Board to support the applicant. Mr. Merkel stated that he was the principal in Safety First Training Systems for firearms and concealed carry training and a partner in Paragon Firearms Training, both located in Omaha. He added that he was a registered professional engineer, an NRA certified instructor, a Nebraska concealed handgun instructor certified by the State Patrol, an NRA range technical team advisor, a Nebraska hunter education instructor in firearm and bow and a certified chief range safety officer. He then explained that there were 2 shotgun ranges in Omaha but that there was not a handgun range. He mentioned that handgun ownership has rapidly increased in the past 5 with no venue for safe shooting or instruction and that clientele for this location would be screened by the Federal Government. Mr. Merkel explained that outdoor shooting ranges had problems with sound escape and projectile escape and that this facility would be engineered to control those issues. In response to the board, he added that the noise from the gun range heard outside the trailer would be minimal and that noise from the range would not be heard if standing outside of the building.

Vic Pelster, NAI NP Dodge, 11825 Dorcas Street, appeared before the board on behalf of the applicant. Mr. Pelster stated that he represented the owners of the property. He mentioned that the applicant’s business plan is sound and that the facility would be safe.

Andrew Collins, 10330 Regency Parkway Drive, appeared before the Board in opposition. Mr. Collins stated that he was an attorney representing ABH – Addiction & Behavioral Health Services Inc., the business located approximately 500 yards north of the site, and added that the proposed use was not compatible with the surrounding business uses or the community. He explained that ABH treats substance abuse and behavioral health issues for at-risk youth and adults, with both inpatient and
outpatient services. He further explained that a portion of their building was converted to residential facilities used to house patients ages 13-18 whom are receiving care for approximately 4 to 13 months. He added that ABH does not treat highly violent offenders, but that a majority of the residents were involved in the criminal justice system. Mr. Collins stated that the concerns were noise from the proposed use and the type of the use being in close proximity to their at-risk clients. Mr. Nesbitt questioned how this use would impact the clients of ABH. Mr. Collins responded that ABH patients are an at-risk population and placing a firing range in close proximity to their facility poses a potential risk to the community.

Mr. Harding questioned the noise level from the shooting range that would be heard near the ABH facility. Mr. Merkel responded that since the ABH facility was located approximately 500 yards away noise from the firing range would not be heard at the ABH facility.

Tahsa Clerc, 8910 Military, appeared before the Board. Ms. Clerc mentioned that there was a pawn shop authorized to sell gun located closer to ABH than the proposed site.

Dave Fanslau, acting Assistant Planning Director, stated that the area was zoned General Commercial or Community Commercial and that performance standards in the zoning code addressed noise issues. He stated that the Department recommended approval subject to the conditions of the recommendation report.

Mr. Hoich moved for approval of the proposed Conditional Use subject to: 1) Submittal of revised site and landscape plans which comply with all site development regulations, 2) Submitting an application for an administrative subdivision before building permit submittal, 3) The Conditional Use Permit is for this user only, 4) Compliance with the amended site and landscape plans, 5) Compliance with the operating statement, 6) Compliance with all applicable stormwater management regulations, 7) Obtaining a Certificate of Occupancy from the Permits and Inspections Division, 8) Obtaining all necessary permits, and 9) Compliance with all other applicable site development regulations. Mr. Deeb seconded the motion which carried 7-0.

17. C7-14-011 Forest Lawn Cemetery Association

REQUEST: Approval of a Major Amendment to a Conditional Use Permit (assumed) to allow a Cemetery in a DR District

LOCATION: 7909 Mormon Bridge Road

At the Planning Board meeting held on January 8, 2014, Dan Dolezal, Ehrhart Griffin & Associates, 3552 Farnam Street, appeared before the board on behalf of the applicant. Mr. Dolezal stated that he met with a concerned neighbor during the meeting and that after discussion and reassurance that no additional drives into the cemetery would be added that she was now in favor of the request. He then explained to the Board that the applicant was proposing a new funeral home in the existing office space and that the existing entrances would be used. Mr. Dolezal requested that item 2 on the recommendation requiring screening on the western edge of the parking lot be removed and mentioned that he recently spoke with the Planning Department to express his concern with the difficulty of installing a 4 foot berm along the storm water detention at the edge of the parking lot. He added that a heavily treed residence, a church and the Omaha Home for Boys were located approximately 300 feet from the proposed cemetery parking lot.

Doug Wilcox, 6902 N. 45th Street, appeared before the Board. Mr. Wilcox stated that he resided near the southern edge of the cemetery and that this project would be great improvement for the neighborhood.

Dave Fanslau, Acting Assistant Planning Director, stated that the Department recommended item 2 requiring screening remain as a condition of the recommendation report but that the Department would further discuss alternative options with the applicant. He stated that the Department recommended approval subject to all 7 conditions stated on the recommendation report.
Mr. Nesbitt moved for approval of the Major Amendment to the Conditional Use Permit subject to: 1) Compliance with the site plan, 2) Compliance with a revised landscape plan which provides the screening required in Section 55-740(g) for the western most parking lot, 3) Compliance with all applicable stormwater management regulations, 4) Compliance with the operating statement, 5) Obtaining a Certificate of Occupancy from the Permits and Inspections Division, 6) Obtaining all necessary permits, and 7) Compliance with all other applicable site development regulations. Mr. Deeb seconded the motion which carried 7-0.

ELECTION OF OFFICERS

Mr. Nesbitt moved to retain R. J. Neary as Chairman of the Planning Board and Anna Nubel as Vice Chairman of the Planning Board. Mr. Rosenbaum seconded the motion which carried 7-0.

APPROVAL OF MINUTES

Ms. Nubel moved to APPROVE the meeting minutes of October 2, 2013. Mr. Nesbitt seconded the motion which carried 5-0, with Mr. Rosenbaum and Mr. Harding abstaining. Ms. Nubel then moved to approve the minutes of November 6, 2013 as written. Mr. Deeb seconded the motion which carried 6-0, with Mr. Harding abstaining.

ADJOURNMENT

It was the consensus of the board to ADJOURN the meeting at 3:27 pm.

Date Approved

_________________________________________
Raymond J. Neary, Chair

Rikki Flott, Planning Board
Recording Secretary